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INTERNATIONAL COOPERATION AND PRACTICAL TECHNICAL ASSISTANCE FOR STRENGTHENING THE RULE OF LAW: PROMOTING THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

ACTION AGAINST NATIONAL AND TRANSNATIONAL ECONOMIC AND ORGANIZED CRIME, AND THE ROLE OF CRIMINAL LAW IN THE PROTECTION OF THE ENVIRONMENT: NATIONAL EXPERIENCES AND INTERNATIONAL COOPERATION

Results of the supplement to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, on Transnational Crime

Interim report by the Secretariat

Addendum

Summary

The present report presents an analysis of information provided by States, intergovernmental and non-governmental organizations in response to a questionnaire on transnational crime, which was a supplement to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. The purpose of the supplement was to explore the extent and impact of criminal activities of a transnational nature. As the Fourth Survey yielded only fragmentary information, the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders may wish to review proposals for improving the collection of data on transnational crime.

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INTRODUCTION

1. The Commission on Crime Prevention and Criminal Justice, in its resolution 3/3, requested the Secretary-General to submit to the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders an interim report on the results of the Fourth United Nations Survey of Crime Trends and Operations of the Criminal Justice Systems. The first part of that report, contained in document A/CONF.169/15, deals with the analysis of crime-related data at the national level; the second part, contained in the present document, deals with data and other information on transnational crime.

2. In its resolution 46/152, the General Assembly, alarmed by the scope of criminality, the dangers posed to the welfare and security of all nations and the high cost of crime in both human and material terms, decided that the United Nations crime prevention and criminal justice programme should provide States with practical assistance, such as data collection, information and experience sharing, and training.

3. In its resolution 1993, the Economic and Social Council requested the Secretary-General to continue the analysis of information on the impact of organized criminal activities upon society at large, including data on the nature, extent, forms and dimensions of organized crime.*

4. There is increasing concern by the international community about transnational crime, as evidenced by the following:

(a) In 1990, the Financial Action Task Force established by the heads of State or Government of the Group of Seven major industrialized countries and the President of the Commission of the European Communities estimated that, of the money derived from the sale of cocaine, heroin and cannabis in the United States of America and countries in Europe, as much as 85 billion United States dollars (US$) were available for laundering or investment.[1] At the same time, however, the total business of the illicit drug industry was believed to involve US$ 500 billion per year;[2]

(b) According to the International Criminal Police Organization (ICPO/Interpol), more than 1.6 million motor vehicles were stolen in Europe in 1991, of which 633,000 were never recovered;[3]

(c) Crimes involving objects of art and cultural heritage have increased steadily;**

(d) Trafficking in arms and nuclear material is another issue of growing concern to law enforcement and intelligence agencies. Statistics from Germany indicate that between 1990 and 1992 the number of cases rose sharply in that country, from 4 to 159;[4]

(e) Corruption, bribery, blackmail and other white-collar crimes have been highlighted by cases involving large investment banks based in Italy, the Netherlands and the United Kingdom of Great Britain and Northern Ireland. A methodology for estimating the losses to the parties involved has yet to be developed;[5]

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*The General Assembly, in its resolution 49/159, approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, which had been adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and emphasized the necessity of creating an effective network for the exchange of relevant information to which all States would have access in view of both the qualitative and quantitative growth of transnational crime (para. 22). Exchanging such information, including statistical data, would also allow the setting-up of a clearing-house on innovative legal experiences, solutions and instruments (para. 63). The present interim report seeks to contribute to this objective.

**There are no reliable statistics to illustrate this. The international community has yet to make a clear commitment to strengthening the legal protection of entire art objects, a commitment that would also lead to improved reporting on the extent of related theft.

(f) Instances of transnational terrorism have become a fact of life; there is a need to systematize the criteria for recording and reporting such instances;[6]

(g) The disappearance of children in the world, a phenomenon allegedly associated with illegal traffic in human body parts, is an area where transnational criminal organizations may be involved (E/CN.4/1994/84).

5. Because of existing jurisdictional and organizational boundaries, States are only partially aware of the global nature of transnational crime. The extent of the phenomenon can only be determined by improving the collection, analysis and dissemination of data.

6. In addition to the growing awareness of the threat of transnational crime, there is a growing need to identify its dynamics and patterns.

7. The United Nations surveys of crime trends and operations of criminal justice systems, carried out by the Crime Prevention and Criminal Justice Branch of the Secretariat in collaboration with the Statistical Division of the United Nations, have already established a comprehensive framework for criminal justice statistics in the context of international trends, policies and standards. The present supplement is an attempt to extend that framework to include transnational crime.

I. OVERVIEW

A. Survey instrument

1. Survey objective

8. The objective of the supplement on transnational crime of the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems was to initiate an in-depth discussion on the measurement and the scope of transnational crime by providing a preliminary global picture of the situation. The terms of reference given to respondents were quite broad.

2. Definition

9. Defining transnational crime is difficult. Transnational crime by its very nature is problematic as it transcends national jurisdictions, as well as the parameters of information systems and law enforcement agencies. It was assumed, for the purpose of the supplement, that data on offences whose inception, perpetration and/or direct or indirect effects involved more than one country would be compiled. Only the substantive elements, and not the formal legal paradigm, of individual crimes of a transnational nature were included. Furthermore, the supplement questionnaire informed the respondents that national legislation, because of difficulties in formulating the legal and statistical criteria for transnational crime, might use conventional definitions rather than refer to the concept of transnational crime. In addition, the nationality or nationalities of the offenders or victims might present further obstacles and render the principal classification of such crimes even more difficult.

3. Focus of the supplement

10. The supplement focused on 19 categories of crime* generally assumed to be of a transnational nature for each category. States were requested to report on the number of cases recorded in their jurisdiction, including the following aspects: the number of persons brought into formal contact with the criminal justice system; the number of persons prosecuted; the number of persons convicted; and the number of persons incarcerated. Information was requested for the period from 1988 to 1990.

4. Patterns of transnational crime

11. In order to draw an accurate picture of the situation in each State, questions that might yield more detailed information on transnational crime were included in the questionnaire. As far as patterns and dynamics of transnational crime were concerned, respondents were asked: (a) to indicate if any of the crime categories were dealt with in the legal instruments of their State or in legal instruments applicable in the substantive area of work of their organization; (b) to indicate if the crime categories were the subject of research by national authorities and/or agencies; (c) and to document the legislation in which the crime categories were defined.

5. Economic impact of transnational crime

12. Respondents were asked to provide an estimated value of the cost of each particular crime category in terms of the value of the proceeds gained from it, the cost of law enforcement related to it and the government revenue lost as a result of it.

B. Empirical problems

13. The questionnaire was sent to 193 States. Fifty States** responded to it and another two States*** indicated that they were not in a position to reply to the questionnaire because no distinction was made in their criminal justice systems between national and transnational crime. It should be noted, however, that some classification problems were encountered by almost all the responding States.

14. The questionnaire was also sent to 88 international and non-governmental organizations concerned with criminal justice matters, 10 of which replied. Six organizations provided substantive information.****

15. It should be noted that often the respondents did not fill out the questionnaire but made reference to legal instruments existing in their jurisdictions that dealt with a specific type of crime. In other instances, answers were limited to crime figures related to one or more of the five statistical parts of the questionnaire, without providing the remaining information or mentioning the legislation concerned.

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*Money-laundering; terrorist activities; theft of art and cultural objects; theft of intellectual property; illicit arms trafficking; aircraft hijacking; sea piracy; land hijacking; insurance fraud; computer crime; environmental crime; trafficking in persons; trade in human body parts; illicit drug trafficking; fraudulent bankruptcy; infiltration of legal business; corruption and bribery of public officials as defined in national legislation; corruption and bribery of party officials and elected representatives as defined in national legislation; and other offences committed by organized criminal groups.

**Argentina, Australia, Austria, Bahrain, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Japan, Jordan, Kiribati, Madagascar, Malawi, Mauritius, Mexico, Mongolia, Myanmar, New Zealand, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Singapore, Slovenia, South Africa, Spain, Sudan, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tonga, Trinidad and Tobago, Uganda, United Arab Emirates and Venezuela.

***The Netherlands and Sweden.

****Baltic and International Maritime Council, Council of Europe, International Association for the Study of Organized Crime, ICPO/Interpol, International Maritime Organization and League of Arab States.

C. Survey results

16. In the results of the supplement, a distinction is made between quantitative and qualitative information. Tables 1 and 2 provide more detailed information on the types of transnational crime for which the respondents provided data.

1. Money-laundering

17. Twenty-four States indicated that money-laundering was defined as a crime in their legislation. Eight of these indicated that money-laundering was a crime only in connection with drug offences, while in four other States it was defined by the regulation of economic and financial activities. In addition, six States referred to control of money-laundering as a matter that was the subject of an ongoing debate or that would be dealt with in their national legislation.

18. Only five States provided data on money-laundering; one State explained that the statistics were not available because data were aggregated with those of drug offences. Another State, which did not penalize money-laundering, mentioned that a case had been dealt with under legal provisions related to tax offences. Three States provided the text of related legislation.

19. The Council of Europe made reference to its Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime[7] of 1991 and to its recommendations.

2. Terrorist activities

20. Thirty-five States made reference to terrorist activities dealt with in their domestic legislation; six of them attached copies of the relevant legislation and five referred to terrorism as contained in legislation related to state security or foreign aggression.

21. Sixteen States provided statistical information on terrorist activities during the period under consideration (1988-1990), but only three provided figures for all the questions of part I of the questionnaire.

22. The Council of Europe mentioned its European Convention on Suppression of Terrorism.[8]

3. Theft of art and cultural objects

23. Twenty-five States reported that theft of art and cultural objects was a crime according to their national legislation; five made specific reference to provisions concerning objects of artistic, historical or archaeological heritage. One State mentioned "art smuggling" as the relevant definition in its legislation and another, although it had not reported such acts to be a crime, made reference to a case recorded in its criminal statistics. Most of the States indicated that such crime was punishable under provisions related to theft or aggravated theft.

24. Statistics related to such crime were provided by 11 States; one State filled out all five tables. Relevant legislation was provided by only one State.

25. The Council of Europe mentioned a legal instrument, the European Convention on Offences relating to Cultural Property.[9] ICPO/Interpol provided the number of such crimes filed by the organization in 1990.

Table 1. Supplement on transnational crime: types of transnational crime reported to be dealt with in national legislation, by country, 1988-1990

Country	*Type of crime*																		
	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*	*16*	*17*	*18*	*19*
Argentina	X	X	..	X	..	X	X	X	X	..	X	X	X	X	X	..	X	X	X
Australia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	..	X	X	X
Austria	X	..	..	..	..	..	..	..	..	..	..	..	..	X	..	..	..	..	..
Bahrain	X	X	..	X	X	X	..	X	X	X	X	X	..	X	X	X	X	X	..
Chile	..	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
China	..	..	..	..	..	..	..	..		..	..	..	..	X	..	..	..	..	..
Colombia	X	X	..	X	X	X	..	..	X	X	X	X	X	X	X	X	X	X	X
Costa Rica	X	X	X	X	X	X	X	X	X	X	X	X	..	X	X	..	X	..	..
Cyprus	..	X	..	..	..	X	..	..	..	..	..	..	..	X	..	..	..	..	..
Denmark	X	..	X	X	X	X	X	X	X	X	X	X	X	X	X	..	X	X	..
Finland	X	..	X	..	X	X	..	..	X	..	X	X	..	X	X	..	..	X	..
France	X	X	..	..	X	X	X	X	X	X	X	X	X	X	X	..	X	..	X
Germany[a]	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	..	X	X	X
Greece	X	X	X	X	X	X	X	..	X	X	X	..	..	..	..	..	..	..	..
Hungary	..	X	X	X	X	X	..	..	X	X	X	X	..	X	X	..	X	..	X
Iceland	..	..	..	..	..	..	..	..	..	..	..	..	..	X	..	..	..	..	..
Israel	..	X	X	..	X	X	X	..	..	..	..	X	..	X	..	..	..	..	..
Japan	X	X	..	X	X	X	X	X	X	X	X	X	X	X	X	..	X	X	..
Jordan	..	..	..	..	X	..	..	..	..	..	..	..	..	X	..	..	X	..	..
Kiribati	..	X	..	..	..	X	X	..	..	..	..	X	..	..	..	..	..	..	..

continued

Table 1 (*continued*)

	Type of crime																		
Country	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*	*16*	*17*	*18*	*19*
Madagascar	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Malawi	..	X	..	..	..	..	..	..	..	..	..	..	..	X	..	..	X	X	X
Mauritius	..	..	..	..	..	X	..	..	.	..	..	..	..	X	..	..	..	..	..
Mexico	X	X	X	X	X	..	X	..	X	..	X	..	X	X	X	..	X	X	X
Mongolia	..	X	..	..	X	X	X	..	..	..	X	..	..	X	..	..	X	X	..
Myanmar	..	X	X	..	X	X	X	..	..	..	..	X	..	X	..	..	..	X	X
New Zealand	..	X	X	X	X	X	X	X	X	..	X	X	X	X	X	..	X	X	X
Norway	X	X	X	..	X	..	..	..	X	X	X	X	..	X	X	..	..	..	..
Oman	..	X	X	X	X	X	X	X	X	..	X	X	..	X	X	..	X	..	X
Panama	X	..	X	..	..	X	X	X	X	..	X	X	..	X	X	..	X	X	X
Peru	X	X	X	X	X	X	X	X	X	..	X	X	X	X	X	X	X	..	X
Philippines	X	X	X	X	X	X	X	X	X	..	X	X	X	X	X	X	X	X	..
Poland	X	X	X	..	X	..	X	..	X	..	..	X	..	X	..	..	X	X	X
Portugal	X	X	X	X	X	..	..	X	X	X	..	X	X	X	X	..	X	..	X
Qatar	X	X	X	X	X	..	..	..	..	..	..	..	..	X	..	..	..	..	..
Republic of Korea	..	X	X	X	X	X	X	X	X	..	X	X	..	X	X	..	X	X	X
Singapore	..	X	..	..	..	X	X	X	X	X	..	X	..	X	X	..	..	..	X
Slovenia[b]	..	X	X	X	X	X	X	X	X	..	X	X	X	X	..	..	X	X	..
South Africa	..	X	..	..	X	..	..	..	..	..	..	X	..	..	..	..	X	..	..
Spain	X	X	X	X	X	X	X	X	X	..	X	X	..	X	X	..	X	..	X
Sudan	X	X	X	X	X	..	..	X	X	..	X	..	..	X	..	..	X	X	X
Switzerland	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	..	X	X	..
Syrian Arab Republic	..	..	..	..	X	..	..	..	..	..	..	..	..	X	X	..	X	..	..

Country	Type of crime																		
	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*	*16*	*17*	*18*	*19*
Thailand	..	..	..	..	..	..	..	..	..	..	X	..	..	X	..	..	X	..	..
The former Yugoslav Republic of Macedonia[c]	..	..	..	..	X	..	..	..	..	..	..	..	..	X	..	..	..	..	..
Tonga	..	..	..	..	..	..	..	..	..	..	..	..	..	X	..	..	X	..	..
Trinidad and Tobago	..	..	..	..	X	..	..	..	X	..	..	..	..	X	..	..	X	..	..
Uganda	..	X	..	..	X	..	..	..	..	..	..	..	..	X	..	..	X	..	..
United Arab Emirates	..	..	..	..	..	..	..	..	..	..	..	..	..	X	..	..	..	..	..
Venezuela	X	X	..	X	X	X	X	X	X	..	X	X	X	X	X	..	X	..	..

Note: 1 = Money-laundering
2 = Terrorist activities
3 = Theft of art and cultural objects
4 = Theft of intellectual property
5 = Illicit trafficking in arms
6 = Aircraft hijacking
7 = Sea piracy
8 = Land hijacking
9 = Insurance fraud
10 = Computer crime
11 = Environmental crime
12 = Trafficking in persons
13 = Trade in human body parts
14 = Illicit drug trafficking
15 = Fraudulent bankruptcy
16 = Infiltration of legal business
17 = Corruption and bribery of public officials
18 = Corruption and bribery of party officials and elected representatives
19 = Other offences committed by organized criminal groups

[a]The Federal Republic of Germany and the German Democratic Republic were both admitted to membership in the United Nations on 18 September 1973. Through accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State. As from the date of unification, the Federal Republic of Germany acts in the United Nations under the designation of "Germany".

[b]On 22 May 1992, Slovenia was admitted to membership in the United Nations.

[c]On 8 April 1993, the former Yugoslav Republic of Macedonia was admitted to membership in the United Nations.

Table 2. Supplement on transnational crime: types of transnational crime reported to be dealt with or the subject of research, by international organization, 1988-1990

	Type of crime																		
Responding international organization	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*	*16*	*17*	*18*	*19*
Baltic and International Maritime Council	..	..	..	..	..	..	X	..	..	..	..	..	..	X	..	..	..	..	..
Council of Europe	X	X	X	..	..	..	..	..	..	X	X	..	X	X	..	..	X	X	..
International Association for the Study of Organized Crime	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
International Criminal Police Organization	..	..	X	..	..	..	..	..	..	..	..	..	..	X	..	..	..	..	..
International Maritime Organization	..	..	..	..	..	..	X	..	..	..	..	..	..	..	..	..	..	..	..
League of Arab States	..	..	..	..	..	X	X	..	..	..	..	..	..	..	..	..	..	..	..

Note: 1 = Money-laundering
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15 = Fraudulent bankruptcy
16 = Infiltration of legal business
17 = Corruption and bribery of public officials
18 = Corruption and bribery of party officials and elected representatives
19 = Other offences committed by organized criminal groups

4. Theft of intellectual property

26. Theft of intellectual property was cited by 24 States as existing in their domestic legislation; 16 of those States indicated that such crime was punishable under provisions related to intellectual property, authors' rights, exclusive rights, copyright and trade mark. Two States reported that the provisions for crimes related to art and cultural objects were also applied to theft of intellectual property. Copies of legislation were provided by five States, and five other States forwarded statistical data.

5. Illicit trafficking in arms

27. Thirty-six States mentioned that illicit trafficking in arms was dealt with in national legislation; 19 of them reported that it was foreseen by ad hoc legal provision, while two cited that it was dealt with by provisions relating to the smuggling of controlled or sensitive material.

28. Eighteen States provided statistical information related to this form of crime, and two States provided copies of the relevant legislation.

6. Aircraft hijacking

29. Aircraft hijacking was dealt with in the legislation of 30 States. In three cases, such crime and the related data were associated with other crimes contained in the questionnaire, generally referred to as crimes against public security.

30. Data related to aircraft hijacking were made available by eight States, while legislation on the subject was provided by two States.

31. The League of Arab States mentioned the Baghdad Declaration on the Suppression of Unlawful Acts against the Safety of Civil Aviation (League Council resolution No. 5303 of 19 April 1993).

7. Sea piracy

32. Twenty-six States reported that sea piracy was treated as a crime in their legislation. Three States made reference to provisions contained in specific laws on hostages or maritime navigation; five reported that sea piracy was dealt with in provisions relating to aircraft and land hijacking or terrorism.

33. Data on sea piracy were provided by five States; two States provided copies of legislation on the subject.

34. The International Maritime Organization made available a set of data on criminal acts committed at sea. The Baltic and International Maritime Council provided data and information on sea piracy. The League of Arab States mentioned its Tunis Declaration on the Suppression of Maritime Fraud in the Arab States (League Council resolution No. 5243 of 13 September 1992).

8. Land hijacking

35. Twenty-two States reported that land hijacking was dealt with in their domestic legislation under various criminal provisions. Theft, robbery, piracy, kidnapping, traffic in illicit goods and violence provisions were cited as applicable in connection with such crime.

36. Data on land hijacking were provided by four States, while two others could not provide exact figures on that category of crime because it fell under the more general category of crimes against property.

9. Insurance fraud

37. The 30 States that reported that insurance fraud was dealt with in their national legislation made reference to different laws. Five States referred to specific legislation dealing with crime against insurance companies; most made specific references to fraud.

38. Data on insurance fraud were provided by 10 States. One State (Australia) reported that 1.7 billion Australian dollars were paid out annually by insurance companies for fraudulent claims.

10. Computer crime

39. Fifteen States reported that computer crime was dealt with in their national legislation. Only three States made references to specific criminal provisions on the subject; most of the provisions relating to fraud or authors' rights were applicable.

40. Five States reported related data. One State (Australia) estimated that the annual cost of crimes committed by means of computers amounted to $A 300-700 million.

11. Environmental crime

41. Twenty-eight States reported that environmental crime was dealt with in their national legislation. Thirteen made references to specific norms to protect the environment or to the existence of joint mechanisms provided by criminal laws and statutes and other legal instruments containing criminal provisions. In the case of the latter, some States reported that uniform legislation was foreseen. Eleven States provided data on environmental crime. The Council of Europe reported that a draft convention on the subject was under preparation.

12. Trafficking in persons

42. Of the 30 States that indicated that trafficking in persons was punishable under their legislation, 12 indicated that it was not specifically mentioned in their criminal legislation. Nonetheless, it was penalized in connection with other crimes, for example in laws on slavery, crimes against the dead, crimes against freedom, and kidnapping and crimes against individual rights, and in the law on foreigners. Data on trafficking in persons were provided by 12 States.

13. Trade in human body parts

43. Sixteen States reported that trade in human body parts was dealt with in their legislation. Different legal provisions were reported to be related to the subject; those provisions included transplant laws and laws on human organs, public health, crimes against the dead, and murder and kidnapping. One State indicated that, although trade in human body parts was not a criminal offence under its domestic legislation, such acts were dealt with by the law on public health.

44. Only one state provided data on illicit trade in human body parts.

45. The Council of Europe made reference to a draft convention on trade in human body parts that was under preparation.

14. Illicit drug trafficking

46. As expected, more States reported on illicit drug trafficking than on any other category of transnational crime. Forty-six States noted that it was dealt with in their criminal legislation. Various States indicated that specific legislation had been enacted in connection with the ratification of United Nations drug control treaties, such as the Single Convention on Narcotic Drugs of 1961,[10] the Convention on Psychotropic Substances of 1971[11] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.[12]

47. Data on illicit drug trafficking were provided by 38 States.

48. Of the international organizations, the Baltic and International Maritime Council reported that a working group on illicit drug trafficking had been established, the Council of Europe referred to the Agreement on Illicit Traffic by Sea, Implementing Article 17 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, and ICPO/Interpol provided the number of cases filed on the subject.

15. Fraudulent bankruptcy

49. Twenty-six States reported that fraudulent bankruptcy was dealt with in their domestic legislation. As with the other categories of crime, many States, instead of listing criminal provisions specifically on the subject indicated other provisions that were applicable to such crime. Bank and corporation laws, insolvency law and laws on crimes against property, diversion of funds and debtors' acts were mentioned to justify considering fraudulent bankruptcy a criminal offence.

50. Data on fraudulent bankruptcy were provided by 12 States.

16. Infiltration of legal business

51. It appeared that most respondents had difficulties with the issue of infiltration of legal business. Only five States indicated that such activity was punishable in connection with other forms of crime such as money- laundering or was dealt with under "other crimes". Only one State referred to a law on commercial firms.

52. No data on infiltration of legal business were provided.

17. Corruption and bribery of public officials as defined in national legislation and of party officials and elected representatives as defined in national legislation

53. Thirty-four States reported that corruption and bribery of public officials were defined as a crime in their national legislation. Most respondents reported that the provisions established for bribery, corruption, public employment and public official responsibility applied to such crime.

54. Twenty-one States reported on corruption and bribery of party officials and elected representatives. An array of legal measures were reported to relate to such crime, including corruption of parliament members and political party organizations. Thirteen States reported that the two offences were considered criminal under the same law, usually one relating to corruption. Some States indicated that such provisions did not apply to party officials.

55. Eighteen States provided data on corruption and bribery of public officials and four States provided information on corruption and bribery of party officials and elected representatives.

56. The Council of Europe referred to the convening in 1994 of a conference of ministers of justice on the subject.

18. Other offences committed by organized criminal groups

57. Nine States reported that illicit association for criminal purposes was included as a crime in their domestic legislation. Six States used a different form of analysis, reporting crimes most often committed, thereby identifying trends in connection with such crimes.

58. Three States provided data related to criminal activities undertaken by organized groups.

II. ASSESSMENT OF TRENDS IN TRANSNATIONAL CRIME

59. Because of significant problems involving definitions and statistics, it is difficult to make any comprehensive assessment of trends in transnational crime on the basis of the results of the supplement. A number of respondents mentioned that the absence of a clear definition for each term made it difficult to identify what information was being sought; even when the information being sought was clearly defined, many respondents were faced with a problem that their national legislation did not refer to the transnational dimensions of the offences in question. Particular problems were posed by the discrepancy between the offence in question and the title under which the offence was dealt with in national laws.

60. The replies demonstrated that there were a number of common trends from which a tentative profile of transnational crime could be developed. First of all, although there is a general absence of an overall definition or classification of organized crime in penal law, the fact that an increasing number of States are attempting to define organized crime more precisely is an indication that attention is being given to structural characteristics, international features, the profit-making aim and other attributes that characterize transnational crime. Secondly, States that had made illicit or criminal association a criminal offence provided examples of statutory definitions of such crime that were quite broad. Following the pattern of States with more experience in dealing with transnational crime, new legislation was considered in order to deal with the *modus operandi* of transnational criminals, especially their ability to adapt to and exploit new opportunities.

61 Certain recurring patterns were discernible among the many replies. In addition to the attention paid in some States to economic crime (money-laundering, credit or capital investment fraud, violation of business regulations), there was an increase in computer crime according to some of the replies. Other areas of growing concern included crime committed by exploiting technology, environmental crime (and its consequences for human beings and the ecosphere), the smuggling of illegal aliens, trafficking in slaves for sexual purposes,* trafficking in human body parts, piracy and hijacking. Respondents indicated that the evolution of a domestic criminal group into one with international dimensions was marked by the commission of crimes having certain common characteristics. Prosecution of those crimes was hampered by the slow pace of international cooperation and/or by the fact that there was no up-to-date legislation on the subject.** These emerging trends have been corroborated by other official sources, especially reports of international organizations, institutes or individual experts dealing with transnational forms of crime.

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*See the report of the Secretary-General on measures to combat alien smuggling (A/49/350).

**Hungary, in its reply, stated that the inertia and pondering that characterized relations between States provided "living space" for organized crime and that there was an urgent need to adopt effective laws and international agreements to combat such crime.

62. Only one State (Australia) reported on the costs of crime (between $A 17 billion and $A 27 billion per year).[13] The extremely low rate of response on this issue confirmed the difficulties faced by almost all States in assessing the internal economic and social impact of transnational crime.

III. CONCLUSIONS

63. The growing concern about transnational crime is difficult to document using empirical data. The supplement on transnational crime has reflected the difficulties encountered by States in reporting on trends in transnational crime. The scope and results of the first supplement can be compared with those of the First United Nations Survey of Crime Trends and Operations of Criminal Justice Systems and Crime Prevention Strategies,* covering the period 1970-1975, which dealt with conventional crime. Both the supplement and the First Survey revealed the difficulties involved in collecting comparable cross-national statistics and in analysing such statistics.

64. There is a need for new approaches to collecting, analysing and disseminating reliable statistics and information on transnational crime, pursuant to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime.**

65. The collection, analysis, evaluation and dissemination of statistics and other information on transnational crime will be enhanced within the framework of the United Nations crime prevention and criminal justice programme. It can only be done in close cooperation with Governments, on the basis of input and advice received from them, and with the assistance of other partners, including the institute comprising the United Nations crime prevention and criminal justice programme network, particularly the United Nations Interregional Crime and Justice Research Institute.

66. In the light of the replies to the first supplement and of the need for transnational crime statistics, the Ninth Congress may wish to consider ways to enhance the collection of data on transnational crime, some of which are discussed below.

A. Development of manuals on the various issues involved in transnational crime

67. Initiatives to enhance the collection of data on transnational crime may include the development of manuals on the various issues involved in transnational crime or of blueprints on information collection. Management and analysis systems have already been generated by the United Nations, for example, as a result of the publication of the *Manual for the Development of Criminal Justice Statistics*.[14] Updated versions could also deal with the issue of the feasibility of improving the collection and analysis of transnational crime statistics.

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*See the report of the Secretary-General on crime prevention and control (A/32/199).

**In paragraph 31 of the Global Action Plan against Organized Transnational Crime (A/49/748, annex, chap. I, sect.A), it is stated that the United Nations should, upon request, provide and facilitate the provision of technical cooperation including the systematic exchange of experiences; one of the areas of particular importance is gathering, analysing and exchanging information on criminal organizations and related activities, taking into account the work of other relevant intergovernmental organizations. Furthermore, in paragraph 33 it is stated that States should in particular consider the practical aspects of establishing, *inter alia*, methods for the regular flow of information and other communications, as well as databases for storing and updating information.

B. Establishment of an early warning system

68. The idea of establishing an international early warning system on organized crime was put forward during the general debate at the World Ministerial Conference on Organized Transnational Crime. It was stated that such a system should provide data analyses of the most recent trends and developments and could be linked to entities such as the United Nations Crime and Justice Information Network or ICPO/Interpol (A/49/748, annex, chap III, para. 52). That proposal, which might involve the creation of new databases, deserves further attention.*

C. Improvement of statistics on transnational crime

69. It would be much easier to analyse the extent of transnational crime if statistics on the issue could be improved. At the national level, this might include identifying indicators of the scope of transnational crime. For example, a police report sheet on an individual crime could indicate the features considered to be transnational in character. The same features could be recorded in later stages of criminal proceedings, in order to obtain a system-wide picture of processed offenders and cases. Should agreed modifications and improvements of data collection systems be introduced at the national level, requisite changes in the ways and means of collecting and analysing statistics on transnational crime at the international level might follow.

D. Training of statisticians

70. The training of statisticians and other specialists in the field of data collection and analysis would facilitate the development, collection and collation of the findings of the next supplement on transnational crime and would lead to more comprehensive results. Eventually, alternative solutions to some of the existing logistical and substantive problems could be found.

E. Accurate measurement of the costs of transnational crime

71. More consideration should be given to developing appropriate methodologies to measure the impact of the cost of transnational crime.[15] This might be achieved by focusing on two main aspects: identifying and classifying the cost sources; and defining the relationship between economic and non-economic measures of value.**

F. Restructuring of the supplement on transnational crime

72. To stimulate its discussion on how the next supplement on transnational crime might be restructured to generate more complete and reliable information, the Ninth Congress may wish to consider the following:

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*In this connection, the Crime Prevention and Criminal Justice Branch has undertaken to establish the following databases:

(a) Database on measures for tracing, monitoring and forfeiture of the proceeds of crime, monitoring of large-scale cash transactions and other means of preventing and controlling the laundering of the proceeds of crime;

(b) Database of legislation and methods for preventing and combating crime by means of extradition, mutual legal assistance in criminal matters, transfer of proceeds, transfer of penal sanctions and transfer of prisoners;

(c) Database of sentences imposed for the offences of trafficking in drugs, arms and persons, terrorism and offences against the ecosystem and cultural property.

**See the working paper prepared by the Secretariat on economic and social consequences of crime: new challenges for research and planning (A/CONF.56/7).

(a) Improving the questionnaire by assessing what features of a given offence should be taken into account in an international supplement on transnational crime;

(b) Identifying in the supplement comparable topics in order to foster a common approach to the assessment of transnational crime and to increase the level of compatibility of the data;

(c) Evaluating existing national, regional and international mechanisms that have proved to be effective in collecting, analysing and exchanging information on organized crime, so as to review their applicability to the question of transnational crime;

(d) Indicating patterns of data management and data sharing, as well as action to be taken within the framework of the United Nations crime prevention and criminal justice programme to make better use of the acquired knowledge.

G. Consideration of the establishment of an ad hoc expert group to determine how the second supplement on transnational crime should be conducted

73. The Ninth Congress may wish to consider, subject to the availability of funds, recommending the establishment of an ad hoc expert group to determine how the second supplement on transnational crime should be conducted. In addition, the Ninth Congress may wish to request the Secretary-General to submit the results of the work of the ad hoc expert group to the Commission on Crime Prevention and Criminal Justice, at its fifth session, so that the Commission may decide which aspects of the statistical recording and reporting of such data should be improved.

Notes

[1]*Financial Action Task Force on Money Laundering: Report* (Paris, 7 February 1990), chap. I, sect. A.

[2]United Nations, Department of Public Information, "Drug trafficking and the world economy", January 1990.

[3]"Interpol picks up a shadow", *European*, 30 July-2 August 1992.

[4]Yonah Alexander, Center for National Security Studies, cited in J. F. Holden-Rhodes and Peter A. Lupsha, "Horsemen of the apocalypse: gray area phenomena and the new world disorder", *Low Intensity Conflict and Law Enforcement*, vol. 2, No. 2 (autumn 1993), p. 215.

[5]Transparency International, *Newsletter*, December 1994.

[6]United Kingdom of Great Britain and Northern Ireland, Home Office, *Statistics on the Operation of Prevention of Terrorism Legislation: 1994*, No. 2/1995; United States Department of Justice (Washington, D.C., 1993) Federal Bureau of Investigation, *Terrorism in the United States*; see also: *Human Development Report 1994* (New York, Oxford University Press, 1994), p. 37.

[7]*European Treaty Series*, No. 141.

[8]United Nations, *Treaty Series*, No. 17828.

[9]*European Treaty Series*, No. 119.

[10]United Nations, *Treaty Series*, vol. 520, No. 7515.

[11]Ibid., vol. 1019, No. 14956.

[12]See *Official Records of the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988*, vol. I (United Nations publication, Sales No. E.94.XI.5).

[13]See also J. Walker, "Estimates of the costs of crime in Australia", *Trends and Issues in Crime and Criminal Justice*, No. 39, 1992.

[14]United Nations publication, Sales No. 86.XVII.16.

[15]See *Guide to Computerization of Information Systems in Criminal Justice* (United Nations publication, Sales No. E.92.XVII.6); and "United Nations Manual on the Prevention and Control of Computer-related Crime", *International Review of Criminal Policy*, Nos. 43 and 44, 1994 (United Nations publication, Sales No. E.94.IV.5).